



American Model United Nations
Historical Commission of Inquiry of 2005

Report from the International Commission of Inquiry on Darfur

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1 Background on the Situation in Darfur

Darfur is a region in the west of Sudan, divided into three governing sections of North Darfur, West Darfur and South Darfur. It shares the Sudanese border with Libya, Chad and the Central African Republic. The name Darfur is a compound of Dar and Fur, meaning the homeland of the Fur. Numerous native ethnic groups reside in the region, including the Fur, Masasalit and Zaghawa, as well as the Baggara, pastoral nomad Arabs. Arab influence from the east formed a more centralized tradition of Islam for the benefit of an administrative language, trade and a wider regional community.

In 1953, the United Kingdom and Egypt formed an agreement to grant Sudan self-governance after an extensive period of colonial rule, and in 1956 Sudan gained full independence from the British Empire. Around this time, the First Sudanese Civil War erupted across the country as the Arab-Muslim North fought the African-Christian and animist South over political control for the south of the country. While this conflict concluded after roughly 1 million deaths and the signing of the Addis Ababa Agreement granting some autonomy to the south of the nation, this peace collapsed with the imposition of Sharia law across Sudan by then-president Gaafar Nimeiri in 1983 inaugurating the Second Sudanese Civil War which has continued to devastate the country for decades.

Collectively, the ethnically “non-Arab” ethnic groups within Darfur are represented by the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) who have rebelled against what they claim is significant neglect and repression at the hands of the Sudanese Government in Khartoum. In response to this rebellion, government backed militias known as the “Janjaweed” responded to this rebellion with violence in Darfur, fomenting existing tensions tribal and nomad-farmer tensions in the region. Additionally, the Government has utilized the Popular Defense Forces (PDF), a paramilitary sector that recruits from ethnic militia groups. The PDF and Janjaweed have been described as indistinguishable.

Earlier this year, the United Nations Security Council adopted resolution 1556 demanding the Government to immediately disarm the Janjaweed militias and bring to justice individuals who have committed acts violating human rights. As of the Commission’s investigation, little to no progress has been made to respect this demand. According to the UN Refugee Agency (UNHCR), the conflict in Darfur has caused the displacement of over 1 million internally displaced persons (IDPs) and over 200,000 refugees have fled to Chad. Widespread drought has additionally led to famine and forced relocation. Civilians, including women and children, are vulnerable to daily violence, and direct assaults on the humanitarian community have occurred.

1.1 Mandate

On 18 September of this year, the Security Council adopted Resolution 1564 requesting the Secretary-General to rapidly establish an international commission of inquiry. The mandate before the International Commission of Inquiry is to:

1. Investigate reports of violations of international law by all parties;
2. Determine whether acts of genocide have occurred;
3. Identify the perpetrators of violations and recommend further action.

Our inquiry turns into a complex environment with a conglomerate of actors. This includes government forces, the Janjaweed militia, the Justice and Equality Movement and the Sudan Liberation Movement/Army, as well as severe drought conditions, longstanding ethnic tensions and Sudan’s obligation as a Member State of the African Union.

43 2 Summary of Investigation

44 On 27 October 2004:

- 45 • The Commission of Inquiry on Darfur (COI) elected its President and Vice President.
- 46 • Actress Angelina Jolie reported to the United Nations over the ongoing situation in Darfur after
47 visiting western Darfur and touring refugee and IDP camps.
- 48 • COI learned about the United States Secretary of State's report on the situation in Darfur where
49 1million people from Sudan were displaced.
- 50 • COI learned that the UN will send 3,000 troops to the region.
- 51 • COI received a report from the Chadian government over the amount of refugees in Chad and
52 the Janjaweed cross-border attack on Adr.
- 53 • COI received a report from the African Union Mission in Sudan (AMIS) over IDPs, the AU's resources
54 and Janjaweed targets.

55 On 28 October 2004:

- 56 • COI learned of Sudanese rebels killing international humanitarian aid workers as well as the United
57 States special envoy to Sudan.
- 58 • COI learned that Sudan's President attacked humanitarian aid in the media calling them the "en-
59 emy of state."
- 60 • COI learned of USAID and non-governmental organizations' struggle to bring in resources to Dar-
61 fur.
- 62 • African Union Ceasefire Commission (CFC) notified COI of the safety of Chad, Al Fashir and Al
63 Junaynah as well as the dangers of traveling outside of these Sudanese cities.
- 64 • COI learned of the Red Cross Camp in Chad holding over 10,000 refugees.
- 65 • COI interviewed an EU representative.
- 66 • COI interviewed an expert on international crimes and genocide.

67 On 6 November 2004:

- 68 • COI received its first satellite image of the region of Darfur.
- 69 • COI learned of Sudanese forces including the PDF attacking, looting and burning IDP camps at
70 Abu Shouk and Zam Zam as well as the coordinated destruction of wells and food supplies.
- 71 • COI learned of the Sudanese embassy in the United States reopening.
- 72 • COI concluded there is a pattern of attacks and evidence of complicity between the Sudanese
73 government and the PDF.

74 On 11 November 2004:

- 75 • COI traveled to Al Fashir, Sudan and observed IDP camps near Al Fashir.
- 76 • COI interviewed an SLMA Representative.
- 77 • COI received its second satellite image of the Ardamata IDP camp near the Wadi Kaja riverbed.

78 On 18 November 2004:

- 79 • COI received information from the Sudanese government regarding the population of Darfur,
80 deaths by malnutrition, IDPs, crop yields and drought.

81 On 20 November 2004:

- 82 • COI traveled to Khartoum, Sudan and interviewed the Sudanese government for the second time,
83 the Head of Government Council on Human Rights and a representative of the Janjaweed.
- 84 • COI began writing its findings report.

- COI received evidence of long-term displacement and coordinated attack patterns as well as witness testimony over Janjaweed indiscriminate killings, burnings, lootings, restrictions of movement and widespread sexual violence.

On 23 November 2004:

- COI traveled back to Geneva, Switzerland.
- COI concluded that the Sudanese military committed crimes against humanity.
- COI concluded that the PDF with armed and coordinated support from the Sudanese government committed war crimes.
- COI concluded that Sudanese President Omar al-Bashir intentionally committed acts of genocide against the Fur, Masalit and Zaghawa and recommended the individual be referred to the ICC.
- COI concluded that the Sudanese government intentionally committed acts of genocide against the Fur, Masalit and Zaghawa.

2.1 Methods

INTERVIEWS

Expert on International Crimes and Genocide

After meeting with expert Dr. Nancy Drew on 28 October 2004, we were able to deeply understand what genocide is and how to determine what is considered genocide. Dr. Drew explained that genocide involves specific acts committed towards a specific group. This list of acts include:

1. Killing members of the group;
2. Causing serious bodily or mental harm to members of the group;
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. Imposing measures intended to prevent births within the group;
5. Forcibly transferring children of the group to another group.

These acts are carried out by an organized government or entity with the intent to destroy or terminate a specific group. Dr. Drew continues to explain that intent is the hardest part to prove. Typically, witness testimony and verbal calls are considered weak evidence, and there needs to be stronger additional evidence provided. Piling up multiple witness statements itself is insufficient. This is done by written proofs. Dr. Drew further discussed that the distinction between genocide and war crimes against humanity can be problematic without knowing all the details. Governments may hesitate to label a situation as genocide because doing so triggers obligations and consequences. Regarding potential complicity, such as police failing to protect people in IDP camps, the expert was uncertain and noted that responsibility hinges on intent rather than bystander status.

EU Representative Elizabeth Kellogg

On 27 October 2004, we met with a representative from the European Union because they had recently offered to fund half of the 3000 new African Union troops to be deployed to the region. She was able to elaborate that the rationale for funding aid was a grave concern for the humanitarian crisis in that region, with special risk to security and civilians. No EU members had yet been to Sudan, including journalists. They have been receiving outside reports of such a situation since 2003. In addition to troops, the EU has funded 1.2 million euros of other aid to the region. They declined to comment on any observed patterns of violence, but were able to provide the commission with displacement statistics.

Sudanese Government Representative, Vice President Ali Osman Taha

The commission interviewed Vice President Ali Osman Taha of Sudan asking about the origin of the conflict stemming from "natural things" that move throughout the nation. The Vice President told us that

130 "We will prosecute any party committing crimes against the Sudanese people". The Vice Pres-
131 ident also assured us that the President wants to take care of his nation's people and make sure that
132 all the rebels are brought to justice. The Vice President said the Sudanese government can provide as
133 much evidence needed. The Commission asked for military logistics and the transfer of government-
134 owned small arms, however Sudan has yet to provide this information.

135 **Janjaweed Representative, Sheikh Musa Hilal**

136 The Janjaweed representative presented a clear, defensive narrative regarding their involve-
137 ment in the Darfur conflict, asserting that their actions are necessary to protect Sudan and the gov-
138 ernment in Khartoum from hostile rebel groups like the SLMA and JEM. They maintained that the con-
139 flict's origin lies in the threat posed by these rebels, some of whom are allegedly armed by Chad. The
140 representative denied any personal stake, compensation or involvement in criminal activity like theft,
141 framing their role as a community coordinator and a member of a structured force guided by patrio-
142 tism and loyalty to the Sudanese government. They explicitly stated that the Janjaweed receives arms,
143 training and operational support from the government, with coordination handled from Khartoum and
144 that their guidance comes from the government's Popular Defense Force and Sudanese military lead-
145 ership. While acknowledging violence in the region, they consistently attributed it to rebel interference,
146 concluding that their activities are solely aimed at countering the opposition.

147 **SLMA Representative Gabriel**

148 We met with the leader of the Sudanese Liberation Movement Army, Gabriel, who fervently as-
149 serted that the conflict between the rebel groups and Janjaweed / Sudanese forces was ethnic in
150 nature. He claimed that the conflict was a genocide against his people and the non-Arab tribes of
151 Darfur. When asked about arms, he asserted that the SLMA is armed and has obtained these arms
152 by seizing them from opposition forces, specifically Sudanese government sources. Though he denied
153 his group's involvement in the kidnapping of aid workers, he admitted responsibility to the acciden-
154 tal deaths of two humanitarian aid workers. When pressed for evidence on his assertion of an ethnic
155 cleansing, Gabriel cited that Arab groups shouted "these are Arab lands now," during attacks. He also
156 asserted that government bombing often preceded Janjaweed attacks, and that the Janjaweed acted
157 in support of the government. His goal was disarmament of the Janjaweed, for his people to gain po-
158 litical freedom and to bring perpetrators to justice.

159 **Janjaweed Representative, Sheikh Musa Hilal - 2nd**

160 After interviewing the SLMA representative, we brought in Mr. Hilal a second time to ask more
161 about the potential ethnic nature of attacks. Though he acknowledged an ethnic separation between
162 rebels and militias, he denounced the idea that the conflict was ethnic in nature. He asserted that
163 rebel forces were still Sudanese citizens and that his militia was there to assist in protecting Sudanese
164 citizens. He asserted that defense of land was important to his group and that "Sudan belongs to the
165 Sudanese people."

166 **Sudanese Government Representative - 2nd, Dr. Abdul Moniem Osman Taha**

167 After our initial interview with the Vice President of Sudan, we met with Dr. Abdul Moniem Osman
168 Taha, head of the government Council on Human Rights in Sudan. This interview served to clarify the
169 information we received from a representative from the SLMA rebel group in Sudan, who made claims
170 conflicting with Sudan's initial statements in our first interview. Dr. Osman Taha refuted the SLMA's
171 claims that their government was involved in the ethnic genocide of those living in the Darfur region,
172 stating that this was not an ethnic conflict. He encouraged the commission to disregard information
173 it received from rebel militia groups and witnesses, stating that they were fabricating information. He
174 also asserted that a guiding principle of the Sudanese government is to protect its civilians from vio-
175 lence. When asked who was responsible in Sudan for giving military orders, he claimed it was heads of
176 state. When asked about who has authority to carry out specific military operations (i.e. plane bomb-
177 ings), he stated those would come directly from President al-Bashir. He left the interview by telling
178 the commission that Northern Darfur was under a state of emergency due to rebel attacks on refugee
179 camps, and that the commission's access was restricted for its safety.

180 **Internally Displaced Persons Interviews**

181 Witness testimonies from IDPs provide more detail on the nature of crimes committed. IDPs

182 from northern camps observed the burning of villages, abduction of women, theft of livestock, targeting
183 of food and water supplies and killing of fleeing citizens. They identified government-backed militias
184 as sources of early morning attacks. In the South, witnesses noted a pattern of shelling or shooting
185 followed by a similar looting and burning and repeated incursion of militias on those who remained.
186 In the West, witnesses noted a similar pattern of attacks followed by burning and looting with specific
187 reference to government aerial bombing beforehand. They also reported that rape was a part of these
188 systematic attacks.

189 **Refugees currently in Chad (Nov. 20, 2004)**

190 We sent an investigative team to interview refugees who fled to Chad following conflict in their
191 region. Bredjing is a refugee camp in eastern Chad hosting tens of thousands of refugees from West
192 Darfur. Camp layout was overcrowded, with evidence of long term displacement. Refugees reported
193 multiple attacks in Western Darfur, many reporting firsthand violence committed by Janjaweed groups.
194 Some noted a lack of police forces at the time of attacks. Some reported restriction of movement in
195 IDP camps in Darfur and reported Janjaweed snipers on the borders of camps shooting those who
196 attempted to leave. In the attack on the Neuri village, witnesses reported helicopter attacks with in-
197 discriminate killing, burning of houses and mass graves for casualties. The village of Masteri was also
198 razed completely.

199 **REPORTS FROM EXTERNAL ORGANIZATIONS**

200 **AU Mission in Sudan**

201 On 27 October 2004, the Commission received responses from an information request by the
202 African Union Mission in Sudan from the Offices of Brigadier-General Festus Okonkwo, a Nigerian mili-
203 tary officer and Commander of AMIS. To a question about the availability of resources in carrying out
204 the mission, the office explained that the mission is to "monitor [the] ceasefire [and] protect civilians
205 'under imminent threat and in immediate vicinity'". The response details that monitoring resources are
206 available but they lack "material and mobility to protect civilians", citing a lack of cooperation on the
207 part of the Sudanese government.

208 In response to questions on the living conditions in Darfur, the office warns that the current
209 living conditions are dire with hundreds of villages in the North, West and South being impacted. As
210 a result, internally displaced persons (IDPs) are relocating to camps in the Darfur regions. The report
211 adds further detail, expressing that the camps are becoming regular targets of the Janjaweed. An
212 important addition to the response is the evidence witnessed that "police stay on the borders keeping
213 people within", in reference to mobility around the IDP camps.

214 The office concludes the report by stating that the mission has observed the killing of inhabi-
215 tants of Darfur but noting that due to lack of capacity, the scope of these killings is hard to definitively
216 conclude. The office then references the clear destruction of property mentioned in the UNHCR report
217 of May 2004 continues to be witnessed at the time of their report. In terms of measures to prevent
218 births or transfer children of the inhabitants of Darfur, it is unclear from their observations.

219 **United States Department of State**

220 On the same day of 27 October 2004, the Commission received a report from the United States
221 Department of State, written by the Office of Secretary of State Colin Powell. In a briefing received
222 on that day, 27 October, the Commission was informed that the United States labeled the situation in
223 Darfur an ethnic genocide, leading to the request of the report created by the United States to support
224 this statement. In framing the historical context of the violence in Sudan, Secretary Powell's Office noted
225 the complex history of conflict between Arab nomadic herders and African farmers. They also mention
226 the relationship between the rebel groups, the Sudan Liberation Movement and the Justice and Equality
227 Movement as a rebellion against the Government of Sudan, attributing this violence to fears of "being
228 on the outside of the power and wealth-sharing agreements in the north-south negotiations". The
229 report from the United States states clearly the support the Janjaweed is receiving from the Sudanese
230 Government.

231 The United States describes the actions of Sudan and the Janjaweed as scorched-earth poli-
232 cies, saying of the IDPs, "many having seen their homes and all their worldly possessions destroyed
233 or confiscated." They corroborated similar statistics from other organizations detailing over 1 million

234 people struggling to secure basic necessities. The United States did mention, on a positive note, a pro-
235 gression in talks between the Sudanese Government and the rebel groups, hopes on the success of
236 the AU Ceasefire Commission, and the successful adoption of Security Council resolution 1556 (2004).

237 The final section of the report details why the United States has confidently declared the situa-
238 tion a genocide. They reference a pattern of atrocities committed by the Janjaweed and government
239 forces against non-Arabs. They mention that 74% of interviewees pointed to involvement of Sudanese
240 military forces. Furthermore, they specify the attacks as being prolonged, meaning villagers are unable
241 to return to their homes safely. They conclude by stating that as a party to the Genocide Convention,
242 Sudan has failed to prevent and punish acts of genocide. In defining intent, the State Department ref-
243 erences "large-scale acts of violence," the destruction of means of survival and that Sudan has failed
244 to stop the ongoing violence.

245 **Chadian Government**

246 On 28 October 2004, the office of President Idriss Dby of the Chadian Government provided an
247 executive summary of a report conducted by the government. The report detailed over 200,000 Su-
248 danese refugees in eastern Chad with an additional 100,000 refugees arriving in 2004 alone. They fur-
249 ther provided information about Janjaweed cross-border raids that killed Chadian civilians, although
250 specific statistics of these raids were not provided. The executive summary mentioned that Chadian
251 border villages were being attacked and looted with severe attacks on the border town of Adr in Oc-
252 tober of 2004. The Office of the President concluded the summary by reminding the Commission of
253 President Dby's mediation efforts in the April 2004 ceasefire agreement in Chad's capital of N'Djamena.

254 **World Food Program**

255 In an oral report received from the World Food Program (WFP) on 11 November 2004, they in-
256 formed the Commission of internal statistics from September 2004 that estimated 1.6 million people
257 in Darfur were in need of food aid. They warned that this number could rise due to poor harvests and
258 conflict, mentioning that they are struggling to access inhabitants of Darfur. They note that although
259 Sudan was previously blocking aid, they have allowed the WFP access, making security the largest
260 inhibitor of food distribution now.

261 **Government of Sudan Statistics and Report**

262 On 18 November 2004, as requested by the Commission, the Government of Sudan provided a
263 brief report, presenting statistics stating the population of Darfur as 6 million with estimates of internal
264 displacement of around 1million, a statistic cited to international aid workers. They also estimate 50,000
265 deaths due to malnutrition. However, they note, related to internal displacement, that the people are
266 nomadic, and thus not necessarily displaced. In terms of crop yields, Sudan estimates that, as caused
267 by drought, 50% of crops have not been planted this year.

268 **US Satellite Imagery**

269 Upon request, the United States provided the Commission with satellite imagery of the Ar-
270 damata IDP camp near the Wadi Kaja riverbed in Darfur, Sudan. This image showed clearly the ex-
271 pansion of the camp since May 2004, showing a significant increase in size, as well as four locations
272 indicated as humanitarian infrastructure. The expansion points to an increase in displacement over
273 time, further providing evidence of the continuation of violence. It additionally suggests that IDPs are
274 not returning to their homes.

275 **2.2 Relevant Statistics**

- 276 • According to the Sudanese government, 6 million people live in Darfur.
- 277 • According to the Sudanese government, 6 million people live in Darfur.

278 **Displacement Statistics**

- 279 • According to the European Union, between 700,000 and 1 million people have been displaced
280 within the region, and at least 110,000 have fled across the border to Chad.

- 281 • According to Chad, 200,000+ Sudanese refugees are currently in eastern Chad. Additionally,
282 100,000 arrived in 2004 alone.
- 283 • According to international aid workers 1 million people are internally displaced.

284 **Statistics on Mortality**

- 285 • According to the Sudanese government 50,000 people died from malnutrition
- 286 • In October 2004, by witness testimony in refugee camps, over a dozen men were killed and several
287 men and women injured.
- 288 • In December 2003, dozens of civilians were killed in deliberate and indiscriminate shooting by the
289 assailants.

290 3 Analysis & Conclusions

291 3.1 Application of Relevant International Law

292 Universal Declaration of Human Rights:

293 The Sudanese Government and PDF are in violation of the following articles:

- 294 • Article 3: Right to life
- 295 • Article 7: All people are equal before the law
- 296 • Article 9: No subjection to arbitrary arrest, detention or exile
- 297 • Article 12: No subjection to interference of privacy
- 298 • Article 13: Everyone has the right to freedom of movement, and right to leave and return to a nation
- 299 • Article 15: Right to a nationality, and no deprivation of nationality or right to change it
- 300 • Article 17: Right to own property, and no deprivation of property
- 301 • Article 18: Right to freedom of thought
- 302 • Article 19: Right to freedom of opinion and expression
- 303 • Article 22: Everyone is a member of society and has the right to social security
- 304 • Article 25: Right to a standard of living, and mothers and children are entitled to care and assis-
- 305 tance
- 306 • Article 27: Right to freely participate in cultural life, and protection of moral interest

307 Geneva Conventions of 1949:

308 The Sudanese Government and PDF are in violation of the following articles:

- 309 • Common Article 3 Stating “Persons taking no active part in the hostilities, including members of
310 armed forces who have laid down their arms and those placed hors de combat by sickness,
311 wounds, detention, or any other cause, shall in all circumstances be treated humanely, with-
312 out any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any
313 other similar criteria. To this end, the following acts are and shall remain prohibited at any time
314 and in any place whatsoever with respect to the above-mentioned persons: a) violence to life
315 and person, in particular murder of all kinds, mutilation, cruel treatment and torture; b) taking
316 of hostages; c) outrages upon personal dignity, in particular, humiliating and degrading treat-
317 ment; d) the passing of sentences and the carrying out of executions without previous judgment
318 pronounced by a regularly constituted court affording all the judicial guarantees which are rec-
319 ognized as indispensable by civilized peoples.”
- 320 – It is clear civilians are the main targets of armed conflict in Darfur. Numerous Zaghawa and
321 Masaalit refugees interviewed in Chad described patterns of attacks on civilians with aircraft
322 dropping bombs on crowded markets and communal wells with homes, shops and fields
323 also frequently destroyed. Multiple witnesses have also described helicopter gunships firing
324 into fleeing civilian crowds and on civilian structures. Multiple accounts attest to armed Jan-
325 jaweed militias attacking and beating Fur and other Non-Arab peoples, while looting, pillag-
326 ing and destroying crops, livestock, homes, wells and other material elements vital for these
327 people to sustain life.
- 328 • Article 20 of the Third Geneva Convention of 1949 Stating, “the evacuation of prisoners of war shall
329 always be effected humanely and in conditions similar to those for the forces of the Detaining
330 Power in their changes of station. The Detaining Power shall supply prisoners of war who are being
331 evacuated with sufficient food and potable water, and with the necessary clothing and medical
332 attention.”

333 Convention on the Rights of the Child:

334 The Sudanese Government and PDF are in violation of the following articles:

- 335 • Article 6: Right to Life, Survival and Development
- 336 – Widespread killing of civilians, including children, and destruction of livelihoods (food, water,
- 337 livestock) directly violated children’s right to life and survival.
- 338 • Article 19: Protection from Violence, Abuse and Neglect
- 339 – Children were exposed to extreme violence, including attacks on villages, beatings, rape and
- 340 witnessing family members being killed.
- 341 • Article 38: Protection of children in Armed Conflict
- 342 – Parties to the conflict failed to protect children during hostilities. Children were killed or injured
- 343 in attacks, recruited or used by armed groups, exposed to indiscriminate or targeted violence.
- 344 • Article 39: Recovery and Reintegration
- 345 – Children who survived violence often lacked access to medical care, counselling or rehabili-
- 346 tation, violating the obligation to support recovery from trauma.
- 347 • Article 24: Right to Health
- 348 – Blocking aid, destroying clinics and forcing displacement denied children essential health
- 349 services, vaccinations and treatment.
- 350 • Article 28: Right to Education
- 351 – Burning villages and schools, forcing children into camps, and insecurity prevented access
- 352 to education.
- 353 • Article 27: Right to an Adequate Standard of Living
- 354 – Loss of homes, food supplies and water systems meant children could not enjoy basic stan-
- 355 dards of living.
- 356 • Article 22: Protection for Refugee Children
- 357 – Children who fled to Chad or were internally displaced were often without proper protection,
- 358 care or documentation.
- 359 • Article 2: Non-Discrimination
- 360 – Targeting non-Arab ethnic groups (Fur, Masalit, Zaghawa) meant children in these commu-
- 361 nities were disproportionately harmed.
- 362 • Article 34: Protection from Sexual Exploitation and Abuse
- 363 – Girls were subjected to widespread rape and sexual violence by Jainweed and associated
- 364 forces.
- 365 • Article 3: Best Interests of the Child
- 366 – Government and armed groups engaged in actions that completely disregarded the best
- 367 interests of children during military operations.
- 368 The Sudanese Government and PDF are in violation of the following articles:
- 369 • Article 6: Right to Life, Survival and Development
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- 371 livestock) directly violated children’s right to life and survival.
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- 396 • Article 34: Protection from Sexual Exploitation and Abuse
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- 398 forces.
- 399 • Article 3: Best Interests of the Child
- 400 – Government and armed groups engaged in actions that completely disregarded the best
- 401 interests of children during military operations.
- 402 The Sudanese Government and PDF are in violation of the following articles:
- 403 • Article 11: The States Parties to the present Covenant recognize the right of everyone to an ade-
- 404 quate standard of living for himself and his family, including adequate food, clothing and housing,
- 405 and to the continuous improvement of living conditions. The States Parties will take appropriate
- 406 steps to ensure the realization of this right, recognizing to this effect the essential importance of
- 407 international co-operation based on free consent.
- 408 • Article 12: The States Parties to the present Covenant recognize the right of everyone to the enjoy-
- 409 ment of the highest attainable standard of physical and mental health.
- 410 **International Covenant on Civil and Political Rights:**
- 411 The Sudanese Government and PDF are in violation of the following articles:
- 412 • Article 12: Those within a territory of a state have a right to liberty of movement and freedom to
- 413 choose their residence.
- 414 • Article 24: Every child shall have, without any discrimination as to race, color, sex, language, re-
- 415 ligion, national or social origin, property or birth, the right to protection due to their status as a
- 416 minor, on the part of his family, society and the State.
- 417 **Geneva Conventions of 1949:**
- 418 The Equality Movement are in violation of the following articles:
- 419 • Article 20 of the Fourth Geneva Convention of 1949 Stating “Persons regularly and solely engaged
- 420 in the operation and administration of civilian hospitals, including the personnel engaged in the

search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.”

3.2 The Question of Genocide

After extensive investigation, the Commission has concluded that the Government of Sudan, directing and collaborating with the Janjaweed and headed by President Omar Al-Bashir, has committed acts that constitute, under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the crime of genocide. The Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as the following:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

1. Killing members of the group;
2. Causing serious bodily or mental harm to members of the group;
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. Imposing measures intended to prevent births within the group;
5. Forcibly transferring children of the group to another group.

Throughout its investigation the Commission has found overwhelming and irrefutable evidence of the above criteria for the crime of genocide.

The Commission re-interates that estimates place displacement at over 1 million individuals and at least 50,000 deaths out of a population of 6,000,000. This illustrates a widespread campaign of violence and death. Our witness statements also cite systematic patterns of attacks observed across the region of Darfur.

The attacks, often accompanied by the declaration, “these are Arab lands,” resulted in a highly disproportionate toll and mass displacement of non-Arab tribal groups as reflected in high casualty and displacement statistics. The perpetrators systematically pursued a campaign of extermination and eradication, characterized by the complete razing and destruction of villages, with militias frequently returning to commit further violence against remaining populations. This campaign also involved trapping Internally Displaced Persons (IDPs) in camps, preventing their movement and blocking humanitarian aid. Crucially, the attacks focused on making areas permanently uninhabitable by destroying livestock and wells, thereby devastating food and water resources, which was particularly damaging given the prevailing drought conditions.

452 **4 Recommendations to the Security Council**

453 Based on these findings, the Commission recommends that the Security Council takes the fol-
454 lowing courses of action:

- 455 1. To refer the head of state in Sudan, President Omar Al-Bashir, to the International Criminal Court
456 to be tried for his Crimes Against Humanity, genocide and War Crimes.
- 457 2. To establish a Criminal Tribunal whose constitution, mandate and powers shall be determined
458 by the Security Council to try other individuals responsible for Crimes against Humanity and War
459 Crimes.
- 460 3. To continuously facilitate the provision of humanitarian aid to the region of Darfur and demand
461 the Ceasefire of April 2004 negotiated in N'Djamena be upheld as reiterated in Security Council
462 Resolution 1556 (2004).